IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 10577 of 2004

Between:

M/s Apple Granites Ltd, Rep. by its Managing Director,
Sri P. Subba Ratnam, G-4, Padmavathi Towers,
Lawyerpeta, Ongole . .....
PETITIONER

AND

1. Director of Mines & Geology 8th Floor,
   BRK Bhavan, Near Secretariat, Hyderabad.
2. Deputy Director of Mines & Geology Guntur
3. Assistant Director of Mines & Geology Kurnool road, Ongole
4. Bommisetty Prasad Rao, S/o Late Sri Mallikarjuna Rao
   Gandhi Road, Ongole
5. Bommisetty Sudhakar Rao, S/o Late Sri Mallikarjuna Rao
   Gandhi Road, Ongole
6. Pabbisetty Pushpavathi, W/o Sri Venkata Subbaiah
   Gandhi Road, Ongole
7. Munaga Ammani, W/o Sri Venkata Krishna Rao
   South Street, Ongole
8. Grandhi Vanaji Kumari, W/o Sri Chenchu Rama Rao
   South Street, Ongole
9. Gonugunta Padmavathi, W/o Sri Venkateswarlu
   Kanyakaparameswari Street, Ongole.

..RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus, or any other appropriate writ, order or direction, declaring the proceedings dt. 18/06/2004 vide Proceedings No.10045/R3(2)/2004 as illegal, arbitrary and vitiated as

the same is passed without application of mind.

For the Petitioner : MR.C.NAGESWARA RAO, Advocate.

For the Respondents No. 1 to 3 : The GP FOR MINES AND GEOLOGY

For he Respondents No. 4 to 9 : None appeared.

The Court made the Following ORDER:

This writ petition is filed by the petitioner-Company, questioning the show cause notice dated 18-06-2004 issued by the first respondent – Director of Mines and Geology on certain allegations, which was served on the petitioner on 22-06-2004.

2. According to the petitioner the said show cause notice was issued with a biased mind by first respondent, as the contents of the Show Cause Notice supports the said claim of the petitioner. It is also stated that earlier when the lessors / pattadars of the original land in respect of which mining lease was granted to the petitioner, filed a Civil Suit and obtained Temporary Injunction which was in existence for a period of three months, the Mines Department filed the counter, supporting the claim of the petitioner, but however, now the stand has been shifted. Therefore, the petitioner apprehends that the first respondent may pass the orders with a biased mind against it. Hence, the petitioner sought for interference of this Court.

3. Heard the learned counsel for petitioner and the learned Government Pleader for Mines and Geology.

4. Without going into the merits and the contentions of the counsel, this Court declines to entertain the writ petition, as it is only at the stage of Show Cause. It is open to the petitioner to file appropriate

explanation, as sought for by the first respondent, and satisfy him that there are no grounds for the proposed action.

5. Under the above circumstances, the writ petition is dismissed as premature. However, it is open to the petitioner to file the explanation, bringing to the notice of the first respondent, all the relevant facts preventing or prohibiting him from taking any action as proposed.

The writ petition is accordingly dismissed. No costs.

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ES/VA
25-06-2004

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Director of Mines & Geology 8th Floor, BRK Bhavan, Near Secretariat, Hyderabad.
2. The Deputy Director of Mines & Geology Guntur
3. The Assistant Director of Mines & Geology Kurnool road, Ongole
4. Two CCs to G.P. for Mines and Geology, High Court Buildings, Hyderabad, (OUT)
5. Two CD copies